

Message Text

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ARA: HWSHLAUDEMAN

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ON BEHALF OF HERBERT BROWNELL I AM TRANSMITTING THE
FOLLOWING TEXT OF THE SALINITY AGREEMENT SIGNED AND
APPROVED BY A SIMULTANEOUS EXCHANGE OF DIPLOMATIC NOTES
IN MEXICO CITY AUGUST 30, 1973:

QUOTE INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO
MEXICO, D.F., AUGUST 30, 1973
MINUTE NO. 242

PERMANENT AND DEFINITIVE SOLUTION TO THE INTERNATIONAL
PROBLEM OF THE SALINITY OF THE COLORADO RIVER

THE COMMISSION MET AT THE SECRETARIAT OF FOREIGN
RELATIONS, AT MEXICO, D.F., AT 5:00 P.M. ON
AUGUST 30, 1973, PURSUANT TO THE INSTRUCTIONS RECEIVED
BY THE TWO COMMISSIONERS FROM THEIR RESPECTIVE
GOVERNMENTS, IN ORDER TO INCORPORATE IN A MINUTE OF
THE COMMISSION THE JOINT RECOMMENDATIONS WHICH WERE
MADE TO THEIR RESPECTIVE PRESIDENTS BY THE SPECIAL
REPRESENTATIVE OF PRESIDENT RICHARD NIXON, AMBASSADOR
HERBERT BROWNELL, AND THE SECRETARY OF FOREIGN
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RELATIONS OF MEXICO, LIC. EMILIO O. RABASA, AND
WHICH HAVE BEEN APPROVED BY THE PRESIDENTS, FOR A

PERMANENT AND DEFINITIVE SOLUTION OF THE INTERNATIONAL

PROBLEM OF THE SALINITY OF THE COLORADO RIVER, RESULTING FROM THE NEGOTIATIONS WHICH THEY, AND THEIR TECHNICAL AND JURIDICAL ADVISERS, HELD IN JUNE, JULY AND AUGUST OF 1973, IN COMPLIANCE WITH THE REFERENCES TO THIS MATTER CONTAINED IN THE JOINT COMMUNIQUE OF PRESIDENTS RICHARD NIXON AND LUIS ECHEVERRIA OF JUNE 17, 1972.

ACCORDINGLY, THE COMMISSION SUBMITS FOR THE APPROVAL OF THE TWO GOVERNMENTS THE FOLLOWING

RESOLUTION:

1. REFERRING TO THE ANNUAL VOLUME OF COLORADO RIVER WATERS GUARANTEED TO MEXICO UNDER THE TREATY OF 1944, OF 1,500,000 ACRE-FEET (1,850,234,000 CUBIC METERS):

(A) THE UNITED STATES SHALL ADOPT MEASURES TO ASSURE THAT NOT EARLIER THAN JANUARY 1, 1974, AND NO LATER THAN JULY 1, 1974, THE APPROXIMATELY 1,360,000 ACRE-FEET (1,677,545,000 CUBIC METERS) DELIVERED TO MEXICO UPSTREAM OF MORELOS DAM, HAVE AN ANNUAL AVERAGE SALINITY OF NO MORE THAN 115 PPM 30 PPM, U.S. COUNT (121 PPM 30 PPM, MEXICAN COUNT) OVER THE ANNUAL AVERAGE SALINITY OF COLORADO RIVER WATERS WHICH ARRIVE AT IMPERIAL DAM, WITH THE UNDERSTANDING THAT ANY WATERS THAT MAY BE DELIVERED TO MEXICO UNDER THE TREATY OF 1944 BY MEANS OF THE ALL AMERICAN CANAL SHALL BE CONSIDERED AS HAVING BEEN DELIVERED UPSTREAM AT MORELOS DAM FOR THE PURPOSE OF COMPUTING THIS SALINITY.

(B) THE UNITED STATES WILL CONTINUE TO DELIVER TO MEXICO ON THE LAND BOUNDARY AT UNCLASSIFIED

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SAN LUIS AND IN THE LIMITROPHE SECTION OF THE COLORADO RIVER DOWNSTREAM FROM MORELOS DAM APPROXIMATELY 140,000 ACRE-FEET (172,689,000 CUBID METERS) ANNUALLY WITH A SALINITY SUBSTANTIALLY THE SAME AS THAT OF THE WATERS CUSTOMARILY DELIVERED THERE.

(C) ANY DECREASE IN DELIVERIES UNDER POINT 1(B) WILL BE MADE UP BY AN EQUAL INCREASE IN DELIVERIES UNDER POINT 1(A).

(D) ANY OTHER SUBSTANTIAL CHANGES IN THE AFOREMENTIONED VOLUMES OF WATER AT THE STATED LOCATIONS MUST BE AGREED TO BY THE COMMISSION.

(E) IMPLEMENTATION OF THE MEASURES
REFERRED TO IN POINT 1(A) ABOVE IS SUBJECT TO THE
REQUIREMENT IN POINT 10 OF THE AUTHORIZATION OF
THE NECESSARY WORKS.

2. THE LIFE OF MINUTE NO. 241 SHALL BE
TERMINATED UPON APPROVAL OF THE PRESENT MINUTE.
FROM SEPTEMBER 1, 1973, UNTIL THE PROVISIONS OF
POINT 1(A) BECOME EFFECTIVE, THE UNITED STATES
SHALL DISCHARGE TO THE COLORADO RIVER DOWNSTREAM
FROM MORELOS DAM VOLUMES OF DRAINAGE WATERS FROM
THE WELLTON-MOHAWK DISTRICT AT THE ANNUAL RATE
OF 118,000 ACRE-FEET (145,551,000 CUBIC METERS)
AND SUBSTITUTE THEREFOR AN EQUAL VOLUME OF OTHER
WATERS TO BE DISCHARGED TO THE COLORADO RIVER
ABOVE MORELOS DAM; AND, PURSUANT TO THE DECISION
OF PRESIDENT ECHEVERRIA EXPRESSED IN THE JOINT
COMMUNIQUE OF JUNE 17, 1972, THE UNITED STATES
SHALL DISCHARGE TO THE COLORADO RIVER DOWNSTREAM
FROM MORELOS DAM THE DRAINAGE WATERS OF THE
WELLTON-MOHAWK DISTRICT, THAT DO NOT FORM A PART
OF THE VOLUMES OF DRAINAGE WATERS REFERRED TO
ABOVE, WITH THE UNDERSTANDING THAT THESE REMAINING
VOLUMES WILL NOT BE REPLACED BY SUBSTITUTION
WATERS. THE COMMISSION SHALL CONTINUE TO ACCOUNT
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FOR THE DRAINAGE WATERS DISCHARGED BELOW MORELOS
DAM AS PART OF THOSE DESCRIBED IN THE PROVISIONS
OF ARTICLE 10 OF THE WATER TREATY OF FEBRUARY 3,
1944.

3. AS A PART OF THE MEASURES REFERRED TO IN
POINT 1(A), THE UNITED STATES SHALL EXTEND IN ITS
TERRITORY THE CONCRETE-LINED WELLTON-MOHAWK BYPASS
DRAIN FROM MORELOS DAM TO THE ARIZONA-SONORA
INTERNATIONAL BOUNDARY, AND OPERATE AND MAINTAIN
THE PORTIONS OF THE WELLTON-MOHAWK BYPASS DRAIN
LOCATED IN THE UNITED STATES.

4. TO COMPLETE THE DRAIN REFERRED TO IN
POINT 3, MEXICO, THROUGH THE COMMISSION AND AT
THE EXPENSE OF THE UNITED STATES, SHALL CONSTRUCT,
OPERATE AND MAINTAIN AN EXTENSION OF THE CONCRETE-
LINED BYPASS DRAIN FROM THE ARIZONA-SONORA
INTERNATIONAL BOUNDARY TO THE SANTA CLARA SLOUGH

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OF A CAPACITY OF 353 CUBIC FEET (10 CUBIC METERS)
PER SECOND. MEXICO SHALL PERMIT THE UNITED STATES
TO DISCHARGE THROUGH THIS DRAIN TO THE SANTA CLARA
SLOUGH ALL OR A PORTION OF THE WELLTON-MOHAWK

DRAINAGE WATERS, THE VOLUMES OF BRINE FROM SUCH DESALTING OPERATIONS IN THE UNITED STATES AS ARE CARRIED OUT TO IMPLEMENT THE RESOLUTION OF THIS MINUTE, AND ANY OTHER VOLUMES OF BRINE WHICH MEXICO MAY AGREE TO ACCEPT. IT IS UNDERSTOOD THAT NO RADIOACTIVE MATERIAL OR NUCLEAR WASTES SHALL BE DISCHARGED THROUGH THIS DRAIN, AND THAT THE UNITED STATES SHALL ACQUIRE NO RIGHT TO NAVIGATION, SERVITUDE OR EASEMENT BY REASON OF THE EXISTENCE OF THE DRAIN, NOR OTHER LEGAL RIGHTS, EXCEPT AS EXPRESSLY PROVIDED IN THIS POINT.

5. PENDING THE CONCLUSION BY THE GOVERNMENTS OF THE UNITED STATES AND MEXICO OF A COMPREHENSIVE AGREEMENT ON GROUNDWATER IN THE BORDER AREAS, EACH COUNTRY SHALL LIMIT PUMPING OF GROUNDWATERS IN ITS

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TERRITORY WITHIN FIVE MILES (EIGHT KILOMETERS) OF THE ARIZONA-SONORA BOUNDARY NEAR SAN LUIS TO 160,000 ACRE-FEET (197,358,000 CUBIC METERS) ANNUALLY.

6. WITH THE OBJECTIVE OF AVOIDING FUTURE PROBLEMS, THE UNITED STATES AND MEXICO SHALL CONSULT WITH EACH OTHER PRIOR TO UNDERTAKING ANY NEW DEVELOPMENT OF EITHER THE SURFACE OR THE GROUNDWATER RESOURCES, OR UNDERTAKING SUBSTANTIAL MODIFICATIONS OF PRESENT DEVELOPMENTS, IN ITS OWN TERRITORY IN THE BORDER AREA THAT MIGHT ADVERSELY AFFECT THE OTHER COUNTRY.

7. THE UNITED STATES WILL SUPPORT EFFORTS BY MEXICO TO OBTAIN APPROPRIATE FINANCING ON FAVORABLE TERMS FOR THE IMPROVEMENT AND REHABILITATION OF THE MEXICALI VALLEY. THE UNITED STATES WILL ALSO PROVIDE NON-REIMBURSABLE ASSISTANCE ON A BASIS MUTUALLY ACCEPTABLE TO BOTH COUNTRIES EXCLUSIVELY FOR THOSE ASPECTS OF THE MEXICAN REHABILITATION PROGRAM OF THE MEXICALI VALLEY RELATING TO THE SALINITY PROBLEM, INCLUDING TILE DRAINAGE. IN ORDER TO COMPLY WITH THE ABOVE-MENTIONED PURPOSES, BOTH COUNTRIES WILL UNDERTAKE NEGOTIATIONS AS SOON AS POSSIBLE.

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8. THE UNITED STATES AND MEXICO SHALL RECOGNIZE THE UNDERTAKINGS AND UNDERSTANDINGS CONTAINED IN THIS RESOLUTION AS CONSTITUTING THE PERMANENT AND DEFINITIVE SOLUTION OF THE SALINITY PROBLEM REFERRED TO IN THE JOINT COMMUNIQUE OF PRESIDENT RICHARD NIXON AND PRESIDENT LUIS ECHEVERRIA DATED JUNE 17, 1972.

9. THE MEASURES REQUIRED TO IMPLEMENT THIS
RESOLUTION SHALL BE UNDERTAKEN AND COMPLETED AT
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THE EARLIEST PRACTICAL DATE.

10. THIS MINUTE IS SUBJECT TO THE EXPRESS
APPROVAL OF BOTH GOVERNMENTS BY EXCHANGE OF
NOTES. IT SHALL ENTER INTO FORCE UPON SUCH
APPROVAL; PROVIDED, HOWEVER, THAT THE PROVISIONS
WHICH ARE DEPENDENT FOR THEIR IMPLEMENTATION
ON THE CONSTRUCTION OF WORKS OR ON OTHER
MEASURES WHICH REQUIRE EXPENDITURE OF FUNDS BY
THE UNITED STATES, SHALL BECOME EFFECTIVE UPON
THE NOTIFICATION BY THE UNITED STATES TO MEXICO
OF THE AUTHORIZATION BY THE UNITED STATES
CONGRESS OF SAID FUNDS, WHICH WILL BE SOUGHT
PROMPTLY.

THEREUPON, THE MEETING ADJOURNED.

/S/ J. F. FRIEDKIN	/S/ D. HERRERA J.
COMMISSIONER OF THE	COMMISSIONER OF
UNITED STATES	MEXICO

/S/ FREDERICK H. SACKSTEDER, JR.	/S/ FERNANDO RIVAS S.
SECRETARY OF THE UNITED STATES	SECRETARY OF THE
SECTION	MEXICAN SECTION

UNQUOTE

JACK B. KUBISCH
ASSISTANT SECRETARY OF STATE
FOR INTER-AMERICAN AFFAIRS .

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